

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JAMES SHIVE,

Plaintiff,

v.

CV 15-406 JB/WPL

AMAZON.COM INC.; EBAY, INC.;  
JOHN LAVECCHIA; J&C BASEBALL  
CLUBHOUSE, INC.; SEARS HOLDING  
CORPORATION; UNBEATABLE  
SALE.COM INC.; and WAL-MART STORES, INC.;

Defendants.

**ORDER**

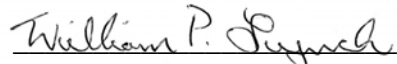
On August 23, 2016, I ordered Plaintiff James Shive to “serve a copy of the complaint, the order reinstating J&C [Baseball Clubhouse, Inc.] (Doc. 58), and this Order on J&C no later than September 30, 2016,” and to provide proof of such service no later than October 3, 2016. (Doc. 61.) On October 31, 2016, Judge Browning—the presiding judge in this case—entered a Memorandum Opinion and Order Denying Motion for Default Judgment (Doc. 64) predominantly based on problems with Shive’s service on J&C. Specifically, that Shive failed to serve the original Complaint on J&C a second time, that it is unclear who Steven Rotundo is in relation to J&C and whether he is an acceptable person to accept service of process, and that Shive did not submit any information reflecting who accepted the certified package. (*See id.* at 2.) Judge Browning found that “[u]nder the circumstances, it is unclear that J&C Baseball Clubhouse has been appropriately served with notice that it was reinstated as a party-defendant in this action.” (*Id.* at 3.)

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any *pro se* party as they are shown on the Court’s docket.

It is unclear that Shive complied with my August 23, 2016, Order. Accordingly, Shive will have additional time to comply with that Order. No later than **December 2, 2016**, Shive will fully comply with my August 23, 2016, Order, that is, Shive will: 1) serve a copy of the complaint, a summons, the order reinstating J&C (Doc. 58), the August 23 Order (Doc. 61), Judge Browning's October 31 Order (Doc. 64), and this Order on J&C no later than December 2, 2016; and 2) file proof of service that complies with the Federal Rule of Civil Procedure 4 no later than December 5, 2016.

This case has been pending for well over a year. Failure to fully comply with this Order may result in a recommendation to Judge Browning that this case be dismissed for want of prosecution.

It is so ordered.

  
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William P. Lynch  
United States Magistrate Judge

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party as they are shown on the Court's docket.